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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,170	10/28/2005	Leslea C Gordon	508-9/MBE	9279

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CANADA

EXAMINER

VENNE, DANIEL V

ART UNIT	PAPER NUMBER
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3617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/14/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/527,170	Applicant(s) GORDON ET AL.	
	Examiner Daniel V. Venne	Art Unit 3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 11-16 is/are rejected.
- 7) ☒ Claim(s) 7-10 and 17-19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>5/27/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 3-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Palmquist (US 4846090). Palmquist shows all of the claimed features, including housing [14] with side plates [32, 34], rotatable reel [16] with sidewalls [62], notches (ratchet teeth) [91], reel hub [60], locking mechanism [30] with latching member (pawl assembly) [112], latch [132] and actuating plate [132] exposed (via drainage slots [52]) to the housing exterior, and configured as claimed (see Figs. 3, 5 and 6). The actuating plate (which is part of the latch) extends on both sides of a hub [134]. The latching member [112] is biased to the locked position by a spring [136] bearing against the housing as shown in Figure 5.

3. Claims 1, 3, 5, 6 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Gordon et al. (US 6095075). Gordon et al. shows all claimed features, including housing [12] with side plates, rotatable reel [40] with sidewalls, notches (openings) [58], reel hub [48], locking mechanism [60] with latching member with latch [62] (which is also an actuating plate exposed to the housing exterior), and configured as claimed (see Figs. 1-6). The latching member [62] is biased to the locked position by a spring [66] bearing against the housing. The gunnel plate [26] is removable.

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4. Claim 1 is also rejected under 35 U.S.C. 102(b) as being anticipated by Blue (US 5002003). Blue shows all of the claimed features, including housing [14] with side plates, rotatable reel [16] with sidewalls, notches [68], reel hub [74], locking mechanism (Fig. 3) with latching member and latch [30], and configured as claimed (see Figs. 1-4).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2, 6 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Palmquist (US 4846090). Palmquist shows all of the claimed features, with the exception of the latching member comprising a spring bearing against a gunnel plate, as claimed. It would be obvious to rotate the device of Palmquist for mounting to a boat gunnel such that a different part of the housing (left side in Fig. 5) would be attached to a boat gunnel, and in effect constitute a gunnel plate with spring [136] bearing against it and attached to both sides of the housing. It would also be obvious to modify Palmquist with a removable gunnel plate (similar to Fig. 8) such that the spring would bear against the removable gunnel plate in a similar mounting arrangement as that described above. Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to configure the device of Palmquist in an alternative mounting arrangement as an obvious design choice to create the invention as claimed by applicant. The motivation would have been

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to provide alternative mounting configurations to suit various uses or boat mooring arrangements that would allow for line extension from other than the top of the device.

7. Claims 11- 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Palmquist (US 4846090), in view of Miller (US 2005/0202734 A1). Palmquist shows all of the claimed features, with the exception of the reel comprising a hub mounted over a bushing comprising a self-lubricating plastic and rotatably mounted to a pin projecting from the housing. Miller teaches use of a self-lubricating plastic material for friction bearings [13] and for preventing vibration for rotating shafts. Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to provide a bushing comprising a self-lubricating plastic as taught by Miller with the device of Palmquist to create the invention as claimed by applicant. The motivation would have been to reduce wear and vibration, and improve performance and reliability of the device.

8. Claims 11- 15 are also rejected under 35 U.S.C. 103(a) as being unpatentable over Gordon et al. (US 6095075), in view of Miller (US 2005/0202734 A1). Gordon et al. shows all of the claimed features, with the exception of the reel comprising a hub mounted over a bushing comprising a self-lubricating plastic and rotatably mounted to a pin projecting from the housing. Miller teaches use of a self-lubricating plastic material for friction bearings [13] and for preventing vibration for rotating shafts. Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to provide a bushing comprising a self-lubricating plastic as taught by Miller with the device of Gordon et al.

to create the invention as claimed by applicant. The motivation would have been to reduce wear and vibration, and improve performance and reliability of the device.

Allowable Subject Matter

9. Claims 7-10 and 17-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Schurr (US 4781636) discloses a reel assembly for mooring a marker buoy with a spool [39], housing [31] and latching/locking mechanism [56].

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel V. Venne whose telephone number is (571) 272-7947. The examiner can normally be reached between 7:30AM - 4:00PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel J. Morano can be reached on (571) 272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (In USA or CANADA) or 571-272-1000.

sn
DVV

8 February 2007



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ADVISORY PATENT EXAMINER
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